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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,690	12/03/2001	Kenichi Otani	216009US3PC1	9480
22850	7590	11/21/2003	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			HECKENBERG JR, DONALD H	
1940 DUKE STREET			ART UNIT	
ALEXANDRIA, VA 22314			PAPER NUMBER	
			1722	

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/926,690

Applicant(s)

OTANI ET AL.

Examiner

Donald Heckenberg

Art Unit

1722

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

1. Applicants' arguments filed October 31, 2003 have been fully considered but they are not persuasive.

Applicants' argue that Granberg does not anticipate claims 1, 11, and 13 as set forth in the rejection under 35 U.S.C. § 102(b) in the previous Office Action. Specifically, Applicants contend that Granberg does not disclose a fixing member direct attached to a peripheral part of the mold as is recited in claims 1, 11, and 13 of the instant application. Applicants assert that Grandberg's fixing member is labeled as structure 42b, and that this member is not directly attached to the peripheral section of the papermaking part 18.

As set forth in the previous Office Action, Applicants' characterization of structure 42b as the fixing member is not correct. Grandberg's fixing member is the entire structure numbered 16 (see figure 2). Grandberg's fixing member structure 16 (which is called a "frame means") both supports the peripheral part of papermaking part 18 and attaches net 32. The fixing member structure 16 includes both part 42b and the lower base 36. As the peripheral part contacts the base (at slot 42a), the peripheral part of base member 18 is directly attached to the fixing member. There is nothing in the language of claim 1 of the instant application that prevents the entire structure 16

of Grandberg from anticipating a "fixing member." Grandberg therefore does anticipate the language of claims 1, 11, and 13.

Applicants argue that Greve does not anticipate claim 6 and 14 as set forth in the rejection under 35 U.S.C. § 102(b) set forth in the previous Office Action. Applicants first assert that Greve is not analogous art to the instant invention.

For rejections 35 U.S.C. § 102, there is no analogous art test with another reference as is the case under 35 U.S.C. § 103. As set forth in the previous Office Action, Greve discloses all of the structural features of the claimed apparatus. Claims 6 and 14 of the instant application are apparatus claims, and thus not limited for patentability to the art of papermaking. See In re Casey, 370 F.2d 576, 580 152 USPQ 235, 238 (Cust. & Pat. App. 1967); In re Otto, 312 F.2d 937, 939, 136 USPQ 458, 459 (Cust. & Pat. App. 1963) (noting the intended use of an apparatus claim is not relevant to the issue of patentability). Further, the plastic fiber process in which Greve suggest the apparatus can be used involves a slurry of fibers which are shaped on a screen structure (see columns 1-2). Thus, it is readily evident from the disclosure of Greve that the apparatus could be used in a similar slurry fiber process such as papermaking.

Applicants further argue that Greve does not disclose a flange. Applicants assert that structure 18 of Greve cannot be equated to a flange because there is no disclosure of the structure 18 from preventing the net from receiving the clamping force.

This argument does not consider figure 2 of Greve. Figure 2 of Greve shows the structure 45 being clamped against the surface 15 of the lower mold part. Although the flange 18 is not specifically labeled in this picture, Greve clearly notes that figure 7 is simply an enlarged view of the section in net mounting region (col. 2, ll. 61-63). As figures 2 and 7 show the net to be set in the recess defined in part by flange 18, and thus, that as such the net 16 does not receive a clamping force (from structure 45). Greve does therefore anticipate all of the limitations of claims 6 and 14 as set forth in the previous Office Action.

Applicants further argue that Hatton (combined with Greve in the rejection of claims 8 and 15 under 35 U.S.C. § 103) does not disclose a flange structure. This is irrelevant however as Greve does disclose the flange structure.

Applicants further assert that there is no motivation to combine the teachings of Greve with Hatton.

As set forth in the previous office action it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified the apparatus of Greve as such to have made the means for applying the force adjustable because this would allow for the desired result of excess liquid being removed from the molding material as suggested by Hatton (see p. 2, col. 1, ll. 22-26).

Similarly, with respect to the rejections in view of the combination of Greve and Schlör under 35 U.S.C. § 103, Applicants argue that Schlör does not teach a flange, and that there is no motivation to combine these references.

Greve does disclose the flange structure, and thus the lack of disclosure of a flange in Schlör is irrelevant. As set forth in the previous Office Action, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have modified the apparatus of Greve as such to have provided a seal along a peripheral part of the molding cavity (and hence, on the part of the net covering the peripheral part) or in a mold clamping zone because this would have prevented molding material from escaping the molding cavity as suggested Schlör.


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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Heckenberg whose telephone number is (703) 308-6371. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached at (703) 308-0457. The official fax phone number for the organization where this application or proceeding is assigned is (703) 972-9306. The unofficial fax phone number is (703) 305-3602.


Donald Heckenberg
November 18, 2003


JAMES P. MACKEY
PRIMARY EXAMINER
11/18/03